

ADMINISTRATIVE

INTERNAL USE ONLY

2 August 1978

Prof Leg

OLC #78-2835/3

MEMORANDUM FOR:

Chief, Legislation Staff, OLC

FROM:

Assistant General Counsel

SUBJECT:

Justice Appropriations Bill Report Language
on Entry and Expulsion of Foreign Intelligence
Personnel

REFERENCE:

Memo for OGC [redacted] dtd 28 July 78,
same subj.

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1. Referent memorandum inquires whether language in a Senate Appropriations Committee Report^{1/} concerning the role of the Attorney General in denying entry and enforcing expulsion of hostile intelligence service personnel is sufficiently flexible so that possible negative effects could be avoided. By negative effects is presumably meant, effects on CIA's intelligence activities.

2. The words "guide, control and supervise," to the extent that they have any binding effect, would appear to reserve for the Attorney General a measure of flexibility and discretion. Nevertheless, if a Senator inserted a statement into the Congressional Record or if the Report were amended to state "...the Committee directs that the Immigration and Naturalization Service under the control and supervision of the Attorney General and with the guidance and advice of the DCI deny entry and enforce expulsion..." Agency interests would be better protected.

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^{1/} These funds will be used for administering and enforcing the laws of the United States relating to immigration, naturalization and alien registration. The Committee held several extensive executive sessions and as a result determined that far too many Soviet Bloc Intelligence Service personnel have been admitted entry into the United States. Therefore, the Committee directs that the Immigration and Naturalization Service under the guidance, control, and supervision of the Attorney General deny entry and enforce expulsion of hostile intelligence service personnel irrespective of visas issued by, or policies of, the Department of State.

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